

CHAPTER 91A. CABLE TELEVISION SERVICES AND RATES

91A.01. Policy and Purpose. The purpose of this ordinance is to authorize the City of Rochester to invoke and implement each and every authority provided to it by the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992.

91A.02. Definitions. Unless the language or context clearly indicates that a different meaning is intended, the following terms shall have, for purposes of chapter 91A, the following meanings:

- A. "Basic Cable Service" means any cable service tier which includes the retransmission of local television broadcast signals.
- B. "Cable Customer Service Standards" means those administrative rules adopted by the Federal Communications Commission or the ordinance adopted by the City regulating the manner in which a cable company conducts its business within the City.
- C. "Effective Competition" means that:
 - (1) fewer than thirty percent of the households in the City subscribe to the cable service system of a cable system;
 - (2) the franchise area is:
 - (a) served by at least two unaffiliated multichannel video programming distributors each of which offers comparable video programming to at least fifty percent of the households in the franchise area; and
 - (b) the number of households subscribing to programming services offered by multichannel video programming distributors other than the largest multichannel video programming distributor exceeds fifteen percent of the households in the franchise area; or,
 - (3) a multichannel video programming distributor operated by the franchising authority for that franchise area offers video programming to at least fifty percent of the households in that franchise area.

91A.03 Implementation of Cable Act. The City of Rochester is authorized to implement each and every authority provided to it by the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992.

91A.04. Authority to Adopt Customer Service Standards.
Subdivision 1. The City may establish cable customer service standards which are deemed to be in the public interests. The City may adopt and incorporate by reference, in whole or in part, any customer services standards or other rules issued by the Federal Communications Commission and set forth in 47 C.F.R. 76.309 (c). The City may adopt other standards not provided by the Federal Communications Commission. Such other standards shall be enacted by ordinance following a public hearing so as to allow the public to comment regarding the issue.

Subd. 2. The City may adopt any penalties deemed to be

appropriate in the enforcement of its cable customer service standards.

91A.05. Customer Service Standards. Subdivision 1. The customer service standards established by the Federal Communications Commission and set forth in 47 C.F.R. 76.309 (c) are hereby adopted and will be enforced by the City of Rochester.

Subd. 2. (Reserved for future use.)

91A.06. Enforcement of Customer Service Standards. Subdivision 1.
(Reserved for future use.)

91A.07. Rate Regulation. Subdivision 1. The City shall apply for and receive certification from the Federal Communications Commission to regulate the basic cable service of the existing cable television system so long as effective competition does not exist within the City. The City hereby incorporates and adopts by reference those rules or standards issued by the Federal Communications Commission governing the regulation of the basic service tier.

Subd. 2. In conducting rate regulation, the City shall afford a reasonable opportunity to the public to comment and present views on the issue of basic cable service rates.

(2893, 9/21/93)